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Attorneys for Defendant
TOYS 'R' US – DELAWARE, INC.

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

LARRY McIVER,
Plaintiff,
vs.

TARGET CORPORATION dba TARGET #274; COST PLUS, INC. dba COST PLUS WORLD MARKET #145; FRIT ESCONDIDO PROMENADE, LLC; LA SALSA, INC. dba LA SALSA #93; APPLEBEE'S RESTAURANTS WEST, LLC dba APPLEBEE'S NEIGHBORHOOD BAR & GRILL #5711; TOYS 'R' US - DELAWARE, INC. dba TOYS 'R' US #5633; PARTY CITY CORPORATION dba PARTY CITY OF ESCONDIDO#445; INLAND WESTERN MDS PORTFOLIO, LLC

Defendants.

CASE NO.: 08 CV 0132 IEG (WMc)

[Assigned for all purposes to the Honorable
Irma E. Gonzalez]

**DEFENDANT TOYS 'R' US-
DELAWARE, INC.'S MOTION
REQUESTING THAT ITS
CORPORATE REPRESENTATIVE BE
EXCUSED FROM PERSONALLY
ATTENDING EARLY NEUTRAL
EVALUATION CONFERENCE**

[LOCAL CIVIL RULE 16.1]

Date: April 4, 2008
Time: 9:30 a.m.
Courtroom: 1

CASE NO.: 08 CV 0132 IEG (WMc)

1 DEF TOYS 'R' US-DELAWARE, INC.'S MOTION REQUESTING
THAT ITS CORPORATE REPRESENTATIVE BE EXCUSED FROM
PERSONALLY ATTENDING EARLY NEUTRAL EVALUATION
CONFERENCE

1 Pursuant to Local Civil Rule 16.1(c)1c, Defendant Toys 'R' Us – Delaware, Inc.
2 ("TRU"), respectfully requests, through its counsel of record, that the Court excuse
3 TRU's personal, "non-lawyer" representative from attending the April 4, 2008 Early
4 Neutral Evaluation Conference ("Conference"). TRU's counsel of record will personally
5 attend the Conference.

6 TRU's corporate offices are located in Wayne, New Jersey and all TRU executives
7 reside in the State of New Jersey. As such, personal attendance by TRU's corporate
8 representative would require that TRU incur significant airfare, hotel and other travel
9 expenses, and that TRU's corporate representative devote at least two full business days
10 solely for the purpose of traveling to and from the Conference. TRU respectfully submits
11 that these factors constitute good cause for TRU's corporate representative to be excused
12 from personally appearing at the April 4, 2008 Conference.

13 If TRU is excused from personally appearing on April 4, 2008, a corporate
14 representative with full authority to settle the above-referenced matter will be fully
15 available to the Court by telephone throughout the Conference.

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17 Dated: March 20, 2008

JACKSON LEWIS LLP

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20 By: /s/Henry L. Sanchez
Henry L. Sanchez

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22 Attorneys for Defendant
TOYS 'R' US – DELAWARE, INC.

1 **PROOF OF SERVICE**

2 **UNITED STATES DISTRICT COURT – SOUTHERN DISTRICT OF**
 3 **CALIFORNIA**

4 **CASE NAME: LARRY McIVER vs. TOYS 'R' US – DELAWARE, INC.**

5 **CASE NUMBER: 08 CV 0132 IEG (WMc)**

6 I am employed in the County of LOS ANGELES, State of California. I am over
 7 the age of 18 and not a party to the within action; my business address is: 725 South
 Figueroa Street, Suite 2500, Los Angeles, California 90017-5408

8 On March 20, 2008, I served the foregoing document(s) described as:

9 **DEFENDANT TOYS 'R' US-DELAWARE, INC.'S MOTION REQUESTING**
 10 **THAT ITS CORPORATE REPRESENTATIVE BE EXCUSED FROM**
 PESONALLY ATTENDING EARLY NEUTRAL EVALUATION CONFERENCE

11 in this action by placing a true copy thereof in a sealed envelope addressed as follows:

12 Lynn Hubbard, III
 13 Scottlynn J. Hubbard, IV
 DISABLED ADVOCACY GROUP
 14 12 Williamsburg Lane
 Chico, CA 95926

15 Telephone: (530) 895-3252
 16 Facsimile: (530) 894-8244

17 Attorneys for Plaintiff
 18 LARRY McIVER

19 **[XX] BY U.S. MAIL**

20 [XX] As follows: I am "readily familiar" with the firm's practice of collection and
 21 processing correspondence for mailing. Under that practice it would be deposited with
 U.S. postal service on that same day with postage thereon fully prepaid at Los Angeles,
 22 California in the ordinary course of business. I am aware that on motion of the party
 served, service is presumed invalid if postal cancellation date or postage meter date is
 23 more than one day after date of deposit for mailing in affidavit.

24 **[XX] BY NOTICE OF ELECTRONIC FILING:**

25 The above-listed counsel have consented to electronic service and have been
 26 automatically served by the Notice of Electronic Filing, which is automatically generated
 by CM/ECF at the time said document was filed, and which constitutes service pursuant
 to FRCP 5(b)(2)(D).

1 [XX] **FEDERAL** I declare that I am employed in the office of a member of the bar of
2 this Court at whose direction the service was made.

3 Executed on March 20, 2008 at Los Angeles, California.
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CHRISTOPHER GOMEZ